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Retirement Committee; Jason Herman; the
Administrative Committee of the Retirement
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the Retirement Committee

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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

Charles Baird, individually, and on behalf of all
others similarly situated, and on behalf of the
BlackRock Retirement Savings Plan,

Plaintiff,

v.

BlackRock Institutional Trust Company, N.A.;
BlackRock, Inc.; The BlackRock, Inc.
Retirement Committee; Jason Herman, named
Plan Sponsor; John and Jane Does 1-40,
Members of the BlackRock Retirement
Committee; The Administrative Committee of
the Retirement Committee; John and Jane Does
1-20, Members of the Administrative
Committee of the Retirement Committee; The
Investment Committee of the Retirement
Committee; John and Jane Does 21-40,
Members of the Investment Committee of the
Retirement Committee; each an individual, and
John and Jane Does 41-60, each an individual,

Defendants.

Case No. 17-cv-01892-HSG

**STIPULATION OF DISMISSAL AND
ORDER**

July 12, 2017

STIPULATION OF DISMISSAL AND
ORDER

1 WHEREAS, Counsel for Defendants have represented that Defendant Jason Herman did
2 not serve as a member of the BlackRock, Inc. Retirement Committee, the Administrative
3 Committee of the Retirement Committee, or the Investment Committee of the Retirement
4 Committee during the Class Period; and

5 WHEREAS, Counsel for Defendants have represented that Defendant Jason Herman did
6 not act in a fiduciary capacity with respect to the BlackRock Retirement Savings Plan during the
7 Class Period;

8 THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff and Mr. Herman
9 through their designated counsel that the above-captioned action should be dismissed without
10 prejudice as to Mr. Herman pursuant to FRCP 41(a)(1)(A)(ii). The parties further stipulate that, if
11 discovery shows that Mr. Herman did in fact serve in a fiduciary capacity relative to the facts and
12 circumstances at issue in the case, Plaintiff reserves the right to re-name Mr. Herman as a
13 defendant.

14 IT IS SO STIPULATED.

15
16 Dated: July 11, 2017

17
18 **COHEN MILSTEIN SELLERS & TOLL, PLLC**

19 By:

20 /s/ Julia Horwitz
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28 ***Attorneys for Defendants***

ATTESTATION

I attest that for all conformed signatures indicated by an “/s/,” the signatory has concurred
in the filing of this document.

Dated: July 12, 2017


By: /s/ Julia Horwitz
Julia Horwitz

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ORDER

PURSUANT TO THE STIPULATION, IT IS SO ORDERED: this action is dismissed without prejudice as to Defendant Jason Herman. Plaintiff reserves the right to re-name Mr. Herman as a defendant if discovery shows that he did serve in a fiduciary capacity relative to the facts and circumstances of this case.

Dated: July 12, 2017


Judge Haywood S. Gilliam, Jr.
U.S. District Court for the
Northern District of California